

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 WRIT PETITION NO. 11860 OF 2024

Majlis Isha-Atul-Haque Education And Welfare Society
Through Its Secretary And Another

VERSUS

The State Of Maharashtra Through The Secretary And Others

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Mr. S. S. Kazi - Advocate for the Petitioners

Mr. P. S. Patil – Addl.G.P. for State

Mr. S. R. Yadav – Lonikar - Advocate for Respondent No. 3

Mr. Joslyn A. Menezes - Advocate for Respondent No. 4

Mr. Mohd. Waseemullah Ahmedullah - Advocate for Respondent
No. 5

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CORAM : S. G. CHAPALGAONKAR
AND

NEERAJ P DHOTE, JJ.

DATED : 25TH JUNE, 2025

PER COURT : -

1. The Petitioner-Management, by this Petition, impugns the order dated 10.10.2024 passed by Respondent No. 3 – Education Officer (Primary), Zilla Parishad, Parbhani, whereby the Education Officer bestowed the duty on the senior-most teacher i.e. Mohd. Azhar Shaikh Mohd. Anisoddin i.e. Respondent No. 5, to discharge the functions of Headmaster on an *ad hoc* basis for the purpose of smooth administration.

2. Mr. S. S. Kazi, the learned Advocate for the Petitioners, submits that the Management has appointed Petitioner No. 2 as

Headmaster of the School. The Proposal for approval of his appointment as Headmaster was submitted to the Education Officer (Primary), Zilla Parishad, Parbhani, on 03.07.2024, however, instead of taking decision thereon, the impugned order has been passed.

3. Mr. Joslyn A. Menezes, learned Advocate appearing for Respondent No. 4, submits that, in fact, Respondent No. 4 has been appointed as Headmaster. The proposal for approval of his appointment is pending with the said Education Officer. He submits that even this Court, vide order dated 15.10.2024 passed in Writ Petition No. 11510 of 2024, directed the Education Officer to take an appropriate decision on the pending proposal, however, till today, no decision has been taken by the Education Officer.

4. Upon consideration of rival contentions, it appears that there is rift in the Management of the School, and Petitioner No. 2 and Respondent No. 4 were appointed by respective groups to the post of Headmaster and the proposals for approval of such appointments are pending before the Education Officer. The impugned order suggests that, by way of *ad hoc* arrangement,

Respondent No. 5 has been permitted to sign as Headmaster so as to ensure the day-to-day administration of the School.

5. In light of the above, we direct Respondent No. 3 – Education Officer to decide the pending proposals submitted by the Management of the School for approval of the appointment of Petitioner No. 2 or Respondent No. 4 to the post of Headmaster. The said Education Officer shall call for the necessary information from the competent authorities to form a *prima facie* opinion as to which Management is legally in-charge of the School. Accordingly, Respondent No. 3 shall take a decision on the pending proposals after granting an opportunity of hearing to the respective Management and the Employees. The Respondent No. 3 - Education Officer (Primary), Zilla Parishad, Parbhani shall take a decision on the pending proposals within a period of three (3) months from today.

6. The Writ Petition is, accordingly, disposed off.

[NEERAJ P. DHOTE]
JUDGE

[S. G. CHAPALGAONKAR]
JUDGE